

DISCIPLINE

PURPOSE

To provide an opportunity to correct inappropriate behavior and to separate employees who exhibit unacceptable behavior.

SCOPE

This policy applies to all regular merit employees and to non-merit employees with complaint rights under Executive Order (EO) 05-14 for eligibility to file a complaint with the State Employees' Appeals Commission (SEAC). This policy does not apply to employees of the State Police Department.

STATEMENT OF POLICY

An employee is subject to discipline for just cause.

Just cause can include:

- 1) Doing of an act which a person ought not to do.
- 2) The omission of an act which a person ought to do.
- 3) The improper doing of a permissible act.

Illustrations of behavior that constitute just cause include, but are not limited to, the following:

- falsification, misrepresentation, or intentional omission of required information on the employment application/resume;
- violation of, or failure to comply with, Federal or State law, rules, executive order, policies or procedures;
- insubordination;
- failure to perform assigned duties or negligence in the performance of assigned job duties;
- failure to obtain and maintain a current license or certification required by law or agency standards as a condition of employment;
- failure to maintain satisfactory, effective working relationships with the public or other employees;
- insubordinate acts or language which hamper the agency's ability to control, manage, or function;
- workplace harassment based, in whole or in part, on race, color, sex, religion, age, disability, or national origin which manifests itself in the form of comments, jokes, printed material and/or unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature;
- possession of materials and/or the utterance of comments in the workplace that are derogatory towards a group or individual based upon race, color, sex, religion, age, disability, or national origin;
- dishonesty;
- improper use of leave;

- conduct which adversely affects the employee's job performance or the agency of employment;
- fighting;
- conviction of a crime; or
- actions which bring the agency or the individual into disrepute or impair the effectiveness of the agency or individual.

Disciplinary action should be taken only after a full and fair investigation. Suspensions without pay, demotions, or dismissals may be imposed on regular employees in the merit service or on non-merit employees with complaint rights pursuant to EO 05-14 only after a predeprivation meeting has been held with the employee explaining the nature of the allegations and the evidence supporting disciplinary action, and providing the employee an opportunity to explain his/her actions.

Agencies may establish standards of conduct deemed necessary for the effective operation of that agency. These standards shall be communicated to employees and the consequences of violations made known. An employee may be expected to be aware without such notice that certain conduct such as those listed above are serious offenses that will subject the employee to timely discipline. A determination by the State Ethics Commission that an employee has violated the ethics law or rules may also subject the employee to disciplinary action.

Where appropriate, employee disciplinary actions are to be corrective and progressive in nature. The discipline imposed should be determined by taking into account such factors as the seriousness of the offense and the record of the employee's service with the State. An employee's work record may provide the basis for differentiating in the degree of discipline imposed for like or similar offenses. While the State will generally follow the principles of progressive discipline, the State reserves the right to impose discipline commensurate with the offense.

The State operates a drug-free workplace; therefore, employees who manufacture, sell, distribute, use, possess, or are under the influence of controlled substances or alcohol on state premises, while acting on behalf of the state, or using state property or equipment shall be subject to disciplinary action up to and including dismissal. Employees are prohibited from operating state vehicles with any measurable amount of alcohol or illegal drug in their blood. Employees who feel they have a substance abuse problem may contact the State's employee assistance program (EASY) at 1-800-223-7723. Treatment for substance abuse may qualify for medical leave of absence. Admitting to a substance abuse problem or admission into a treatment program after having been given notice of a required a drug or alcohol test, a predeprivation meeting, or the imposition of discipline will not prevent or invalidate disciplinary action.

Problems in job performance resulting from an inability to perform, and not related to misconduct, should be addressed through the performance appraisal process. Problems in job performance resulting from an apparent unwillingness to perform or related to misconduct should be addressed through the disciplinary process.

REFERENCES

IC 4-15-2-33
IC 4-15-2-34
31 IAC 1-10
31 IAC 2-12
IC 4-2-6
40 IAC 2
IC 35-44-2-4
Executive Order 90-5
Executive Order 05-14

EFFECTIVE DATE July 1, 2005

Supersedes Discipline policy dated December 1, 1999

APPROVAL



Debra F. Minott, State Personnel Director

Date June 6, 2005